IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4765 OF 2003

State of Maharashtra Applicant
versus
Umesh Vishwanath Thakur-Desai Respondent

Mrs.M.M.Deshmukh, APP for applicant.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 25th August 2006

PC :

1. Mrs.Deshmukh-learned APP appearing for original complainant-State of Maharashtra submits that the application will survive inasmuch as the apprehension of the State that the respondent-accused no.7 who is an associate of the main accused and was absconding for some time, is genuine. She submits that the learned Trial Judge has taken a view that the case is based only upon circumstantial evidence. There is no eye witness and hence accused no.7 is entitled to bail. This view is not correct.

2. This is a application for cancellation of bail granted by the learned Sessions Judge dated 18th November 2002 in Sessions Case No.10 of 2002 is filed on 17th November 2003. The State has

moved this application on 7th July 2004. Thereafter, the application was adjourned. It was once dismissed for non prosecution on 27th July 2004. Thereafter it was restored. After this restoration it is appearing before me after two years.

3. During all this period there are no instructions forth coming as to whether the Sessions Case is still pending or whether if the same is pending the charge sheet therein is filed or not. There is no information as to what is the status of the case as well. Nothing is forth coming with regard to the position of the other accused. In other words, whether they are enlarged on bail or not. I had adjourned the matter for this purpose on 17th August 2006. In such circumstances, no useful purpose will be served by going into the contentions raised or the grounds set out in the application.

4. Needless to state that all observations made by the learned Sessions Judge were prima facie and made for disposal of the bail application. They shall not in any manner influence the Court while trying the accused. Application dismissed.

(S.C.DHARMADHIKARI, J.)